
DELEGATION OF AUTHORITY

1-11. Interagency Agreements and Memoranda of Understanding

1. PURPOSE: This Order redelegates certain authorities conferred on the Regional Administrator by Delegation 1-11 of the EPA Delegations Manual.

2. AUTHORITY:

a. To enter into (sign) and administer Interagency Agreements (IA) between EPA and other Federal agencies, State, tribal or local governments which provide for the furnishing of goods or services and involve the transfer and expenditure of appropriated funds, the performance of activities and projects that involve the transfer and expenditure of appropriated funds, or that allow EPA to accept funds from State, tribal or local governments under statutes which authorize EPA to accept funds from these entities.

b. To enter into memoranda of understanding (MOU) between EPA and other Federal agencies, State, tribal or local governments, foreign governments international organizations, private sector organizations and individuals, which set forth basic roles and responsibilities regarding the collaboration or cooperation of the parties on matters of mutual interest, under which no transfer of funds occurs.

3. TO WHOM REDELEGATED:

a. The authority specified in item 2.a. is hereby redelegated to the Director of the Emergency and Remedial Response Division (ERRD) with respect to actions under the National Response Framework when an emergency requires immediate action and the other Agency may not initiate activities without written authorization.

b. The authority specified in item 2. b. is hereby redelegated to the Assistant Regional Administrator for Policy and Management to enter into memoranda of understanding (MOU) between EPA and other Federal agencies, State, tribal or local governments, foreign governments international organizations, private sector organizations and individuals, which set forth basic roles and responsibilities regarding the collaboration or cooperation of the parties on matters of mutual interest, under which no transfer of funds occurs.

4. LIMITATIONS:

a. These authorities are limited to agreements which originate in Region 2.

b. The authority delegated to the Regional Administrator under Section 2.a. is limited to taking actions under the National Response Framework when an emergency requires immediate action and the other Agency may not initiate activities without written authorization.

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c. The authority to sign or enter into a MOU under Section 2.b. may not be exercised unless the Regional Counsel or designee concurs in the MOU.

d. In accordance with the Federal Acquisition Streamlining Act, an IA authorized by the Economy Act of 1932 and initiated by EPA cannot be signed unless an EPA contracting officer, with authority to contract for the supplies or services to be ordered, first signs a Determination and Findings (D&F) in support of the IA.

e. Program offices entering into MOUs under Section 2.b. must maintain records in a manner that facilitates retrieval of MOUs and provides data regarding the number of MOUs entered into under this authority.

5. FURTHER REDELEGATION: The authority redelegated to the ERRD Director in item 3.a. is hereby further redelegated to the Chief of ERRD's Response and Prevention Branch, or designee, in his capacity as Region 2's Emergency Support Function 10 Regional Chair, subject to the limitation set forth in item 4.b. This authority may not be further redelegated.

6. ADDITIONAL REFERENCES:

a. Statutory authority for EPA to enter into IAs is contained in the Economy Act, 31 U.S.C. § 1535, the Intergovernmental Cooperation Act 35 U.S.C. § 6501, and in the "cooperation" and other provisions of EPA program statutes. In addition EPA receives funds from United States Agency for International Development (USAID) under Section 632 of the Foreign Assistance Act, 22 USC § 2392, and from the Department of State under Section 8 of the Department of State Basic Authorities Act 22 U.S.C. § 2675.

b. As used in this delegation, the term "Interagency Agreements" includes agreements between EPA and other Federal Agencies (IAs) and between EPA and State and local governments (Intergovernmental Agreements) entered into under the authority of the Intergovernmental Cooperation Act and other statutes.

c. These authorities shall be exercised in accordance with the policies and procedures set forth in the Interagency Agreement Policies, Procedures, and Guidance Manual or equivalent guidance relating to Interagency Agreements.

d. The Inspector General Act of 1978, Public Law No. 95-452, as amended, 5 U.S.C. App. 3 (1982), vests the Inspector General with similar authority to enter into agreements with other public agencies.

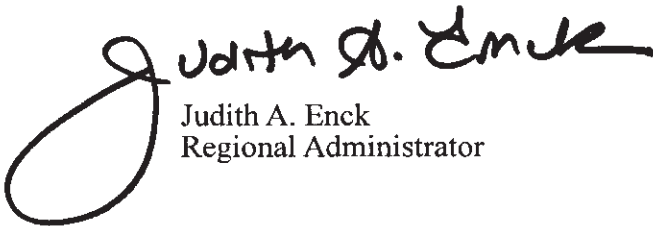
e. EPA requires the use of IAs to transfer goods and services and related funds between it and other Federal agencies. During disasters, EPA will transfer goods and services under a Mission Assignment, IA, and/or Emergency Funding Authorization (EFA), depending on the nature of the response. The EFA is a simpler version of EPA's IA and is only used for disaster response support tasks. If another Federal agency agrees, the EFA also may be used when EPA provides response support. For additional information refer to EPA's "Disaster and Emergency Response Mission Assignment Guidance," October 1997 (EPA 540-R-97-034).

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f. Authority to enter into MOUs is contained in "cooperation" and other provisions of EPA statues or other laws.

7. SUPERSESION: This redelegation supersedes Regional Order R-1200 (redelegation of 1-11) dated March 14, 2006.



Judith A. Enck
Regional Administrator